

ASSEMBLY BILL

No. 219

Introduced by Assembly Member Ruskin

February 4, 2009

An act to amend Section 5341.5 of the Food and Agricultural Code, relating to pest control.

LEGISLATIVE COUNSEL'S DIGEST

AB 219, as introduced, Ruskin. Pest control: plant quarantine inspection stations.

Existing law requires every operator of a motor vehicle entering the state with a shipment of any agricultural commodity to have the vehicle and the shipment inspected, and to obtain a certificate of inspection, at the plant quarantine inspection station nearest the point of entry, except as provided. Existing law subjects the operator of the vehicle and the registered owner of the vehicle, if a different person or legal entity, to civil penalties of not more than \$1,000 for each violation for failure to obtain the required certificate of inspection.

This bill would increase the civil penalties to not more than \$2,500 for each violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5341.5 of the Food and Agricultural Code
- 2 is amended to read:
- 3 5341.5. (a) Every operator of a motor vehicle entering the state
- 4 with a shipment of any agricultural commodity shall cause the

1 vehicle and the shipment to be inspected, and shall obtain a
2 certificate of inspection, at the plant quarantine inspection station
3 nearest the point of entry into the state.

4 (b) Failure to obtain the required certificate of inspection shall
5 subject the operator of the vehicle and the registered owner of the
6 vehicle, if a different person or legal entity, to separate civil
7 penalties of not more than ~~one thousand dollars (\$1,000)~~ *two*
8 *thousand five hundred dollars (\$2,500)* for each violation. In
9 determining the severity of the penalty to be imposed, the court
10 shall consider any prior violations of the same nature within the
11 preceding 24 months, the commodity being transported, and any
12 evidence, including deviation from normal and usual routes, that
13 the operator of the vehicle intentionally avoided inspection.

14 (c) Inspection shall not be required when the operator of the
15 vehicle would be required to travel a distance of 15 miles or more
16 from normal and usual routes for the particular trip to obtain the
17 required inspection and certification, or when weather conditions
18 or road closures on normal and usual routes prevent travel to the
19 nearest plant quarantine inspection station.

20 (d) Violation of this section is a separate offense from violation
21 of any other provision of this code and proceedings under this
22 section shall not be deemed to prevent separate proceedings for
23 any other offense.

24 (e) Proceedings under this section may be brought by the ~~director~~
25 *secretary* or, with the ~~director's~~ *secretary's* concurrence, by the
26 district attorney of the county in which the violation occurred. The
27 civil penalty shall be awarded to the agency which brings the
28 enforcement action for use by that agency in enforcing the
29 provisions of this code.

30 (f) The ~~director~~ *secretary* may, by regulation or executive order,
31 as the ~~director~~ *secretary* deems advisable, permit exceptions for
32 certain commodities, areas, and times consistent with the purposes
33 of this division, patterns of local traffic near border areas, and
34 availability of inspection stations.

35 (g) Persons holding a valid permit to transport cattle pursuant
36 to Section 21067 are exempt from this section.

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